IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.1034 of 2008
BHAGWAN SINGH
Versus
THE STATE OF BIHAR & ORS
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3 16.12.2008 In the instant writ petition the petitioner prays for quashing the charge sheet dated 19.10.2008 submitted in Kotwali (Tilkamanjhi) P.S. Case No.459 of 2008 under sections 302, 34, 120(B) of the Penal Code and section 27 of the Arms Act.

Learned counsel for the petitioner submits that the Dy. S.P. in his report contained in Annexure-8 opined that from examination of the witnesses and the C.D. of marriage ceremony it would appear that a person could not be present at two different places at the same time quite far from each other and place of occurrence.

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The grievance of the petitioner is that no charge sheet has been filed against other accused persons.

Learned counsel submits that in view of the decisions reported in 2008(4) P.L.J.R.SC 201 and A.I.R. 2004 SC 2078 further investigation can be ordered.

Having heard counsel for the parties, this court is of the view that as the cognizance of offence has been taken; the petitioner would be at liberty to challenge the same in an appropriate application raising the plea of ali bi etc.

With the aforesaid observations, this writ petition stands disposed of.

(S.P.Singh,J)

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